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By: Yvonne Mock
Yvonne Mock

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daniel GREEN et al.

Application No.: 10/540,803

Filed: December 14, 2005

For: **COMPOSITIONS AND
METHODS FOR THE
PREVENTION AND CONTROL
OF INSULIN-INDUCED
HYPOGLYCEMIA**

Confirmation No.: 7164

Examiner: Maury A. Audet

Art Unit: 1654

Comment on Statement of Reasons for
Allowance

Box Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants thank the Examiner for the courtesies shown during a telephonic interview with the undersigned Applicant's representative on August 30, 2007. See Examiner's interview summary dated September 7, 2007.

A Notice of Allowance, Notice of Allowability and Examiner's Amendment were mailed October 15, 2007. The Notice of Allowability indicates that claims 5, 6, 8, 10, 12, 18 and 19 are allowed. Applicants believe the Office also intended to, but inadvertently did not, indicate allowance of claim 13. Applicants' belief is based on the telephonic interview and because the Examiner's Amendment canceled claims 9 and 20-25 (but not claim 13). See page 3, first line of Examiner's Amendment. In a telephone conversation on October 23, 2007, Examiner Audet agreed the omission of claim 13 was unintended, and to send a supplemental Notice of Allowance correcting the omission.

With regard to the *Reasons for Allowance*, Applicants thank the Examiner for careful consideration of the application. On page 3, last paragraph the Examiner states the Houlbert reference described administration of "low dose glucagon." More specifically, as the Examiner and undersigned discussed during the interview, Houlbert described infusion of glucagon at 400 micrograms/hour to a patient with intractable non-beta cell tumor hypoglycemia. Applicants also note that in the interview summary dated September 7, 2007, it is indicated that the Houlbert reference is "not of record." However, the Houlbert reference was cited in the information disclosure statement filed May 2, 2007, as the Examiner has noted on the PTO-892 that accompanied the Notice of Allowance.

Finally, the *Reasons for Allowance* characterizes the invention as proactive daily basal glucagon administration alongside insulin to reduce the risk of hypoglycemia in diabetic therapy. Because this characterization uses informal language (e.g., "alongside") rather than claim terms, for clarity Applicants note that the invention is defined by the claims themselves. By way of illustration, the invention involves administration of very low doses of glucagon to a diabetic patient receiving insulin therapy to reduce the risk of insulin-induced hypoglycemia. In accordance with the claims, glucagon need not be administered to the patient at exactly the same time as insulin is administered, as could possibly be inferred from "alongside."

Respectfully submitted,



Randolph T. Apple
Reg. No. 36,429

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422